23. Amendment of the Rubber Theft Prevention Regulation IX of 1087.

CAPTAIN M. F. SHORE (*Member, South Travancore Planters' Association*) stated that the provisions of the Rubber Theft Prevention Regulation IX of 1087, as they stood at present, were insufficient to effectively prevent the increasing rubber thefts in the State. He therefore suggested the following amendments to the Regulation :—

(i) The following clause might be added to Section (4), sub-section (1):— "That licenses may be granted only on deposit of Rs. 1,000 and that the names of such license holders may, from time to time, be published in the Government Gazette". Section 4 would then read as: "The Peishkar or other officer in charge of the Revenue Division may issue free of charge, licenses under his hand authorising the person to whom the same are granted to deal in rubber, that licenses may be granted only on deposit of Rs. 1,000 and that the names of such license holders may from time to time be published in the Government Gazette."

(ii) The clause "In perpetuity and his deposit of Rs. 1,000 forfeited" might be added to section 5 clause (3), which would read as "any person who is found guilty of any offence under this Regulation shall be liable to have his license cancelled in perpetuity and his deposit of Rs. 1,000 forfeited."

(iii) The clause "Cr one member of the local Planters' Association nominated annually by Government to inspect in conjunction with either of the above" to be added to Section 10, which would read as:—"It shall be lawful for any magistrate or for any police officer not below the rank of an Inspector or for any person authorised in writing by the Peishkar or other officer in charge of the Revenue Division or one member of the local Planters' Association nominated annually by Government to inspect, in conjunction with either of the above, licensed premises, to enter any licensed premises at any time between sun rise and sun set and to call for, inspect and take extracts from any book required to be kept by this Regulation etc, etc."

For the rest the member was of opinion that it would meet the purpose if the other provisions of the Regulation were properly enforced.

DEWAN'S REPLY: Captain Shore, this question came up at the 22nd session of the Assembly. Government are aware that rubber thefts and illicit dealing in stolen rubber are becoming a growing evil in Travancore. Some time back we had the Rubber Theft Prevention Regulation promulgated; but, almost immediately after, there was a slump in the price of rubber and the thieves themselves did not consider it worth their while to steal rubber. Therefore the Regulation was practically not enforced. Since then the price of rubber has gone up. It has been increasing steadily, and from information before me I gather that rubber stealing and dealing in stolen rubber has become an organised business in Travancore and is in the hands of unscrupulous people. I am in consultation with the Commissioner of Police as to what steps should be taken to break this ring, and I have not the slightest doubt that sooner or later we shall get to the bottom of this matter.

In regard to the amendments you propose, they are somewhat comprehensive if not exactly drastic. Nevertheless I shall have them carefully examined by my law officers, by the Commissioner of Police and Magistrates and I shall come to a conclusion upon it. I quite agree with you that the case may possibly be met in other directions if the Regulation is strictly enforced. We have now under consideration the question of appointing an Honorary Magistrate, in the rubber-growing districts, who will be able to take active part in the suppression of this evil, and the question of associating, with the executive officers of Government, members of one or more Planters' Associations will also be considered forthwith.

24. Defects of the Insolvency Regulation.

MR. RAMASUBBU CHETTIYAR BHAGAVATHIPERUMAL CHETTIYAR (*Member, Trading Classes, Kottar*) dealing with the defects of the Insolvency Regulation pointed out the following defects in the Regulation :

(*a*) There was no provision in the Regulation to prevent debtors putting in fraudulent insolvency petitions. This could be rectified by requiring all insolvency

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petitioners to produce along with their petitions statements of all transfers of property effected by them within three years prior to the presentation of the petition.

(*b*) There was no provision in the Regulation for expert examination of the account books produced by debtors or for punishing debtors who had produced false accounts.

In regard to the officers appointed under the Involvency Regulation, the member suggested :

(*a*) all receivers should be full time officers.

(*b*) receivers should on no account be permitted to keep with them the money realised by them for more than three days.

(*c*) receivers should take their commission only on distributing the amounts due to the creditors;

(*d*) the distribution of the assets of the debtors should be made by the court itself ;

(*e*) receivers and their staff should be given only actual expenses for their journeys ;

(*f*) receivers should not utilise for the purpose of one suit on behalf of the insolvent the moneys realised by him by another suit ;

(*g*) receivers should render monthly accounts of all moneys realised and expended by them ;

(*h*) accounts of receivers should be audited at least once in a year by certificated auditors;

(*i*) receivers should sell only the equity of redemption in respect of properties mortgaged or hypothecated by the insolvent and should take commission only on the amounts thus realised.

The member also suggested that insolvency petitions should be admitted only in cases where the debts exceeded Rs. 2,000. No man should be declared an insolvent who had not assets to pay at least As. 8 in the rupee to each creditor. Where the insolvency petitioner was a merchant, he should produce his account books and ledgers for the 3 years previous to the filing of the petition. A person who borrowed money knowing that he was insolvent or knowing that he was unable to pay it back should not be declared an insolvent. No person who became insolvent by extravagant means of living or irregular habits should be declared an insolvent. No person who had presented an insolvency petition and failed in the attempt should be allowed to renew his petition. The Insolvency Regulation of Travancore should be brought into line with the British Indian Act.

DEWAN'S REPLY : Mr. Bhagavathiperumal Chettiyar, the High Court have at present under consideration the question of revising the rules under the Insolvency Regulation and your representation to-day will be placed before the High Court.

25. The Travancore Press and the Government.

MR. A. S. SANKARANARAYANA PILLAI (*Member, Municipal Council, Neyyattinkara*) speaking about the repeal of the Press Regulation dwelt at length on the Freedom of the Press. He deplored that newspaper articles that should engage the attention of Government were not collected and printed by them. He could not find any necessity for the promulgation of a legislation like the Press Regulation, because he thought that the ordinary law of the land was sufficient to meet any contingency. The member could not also approve of the scheme of the Regulation, which in his opinion combined in Government the functions both of a judge and of a prosecutor. Nor could he approve of the way in which proprietors of newspapers were engaged to do printing work for Government. The proscription of the Tangachery newspapers was another measure which the member regretted and he concluded by requesting the Government to change their attitude towards the Press.

DEWAN'S REPLY : Mr. Sankaranarayana Pillai, I have listened with interest to the very beautiful essay you have read out to us to-day, and I am sure it must have occupied a lot of your valuable time in putting together what has so often been said

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